

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 87-223-E – ORDER NO. 2006-550
SEPTEMBER 26, 2006

IN RE: Least-Cost Planning Procedure for Electric Utilities) ORDER APPROVING
) MOTION OF DUKE
) ENERGY CAROLINAS,
) LLC FOR
) CONFIDENTIAL
) TREATMENT

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC (Duke Energy Carolinas or the Company) for confidential treatment of certain material filed in this docket. Duke Energy Carolinas requests that portions of the Company's 2006 Annual Plan and Attachment "C" (FERC Form 715 – Annual Transmission Planning and Evaluation Report) to the 2006 Annual Plan filed with the Commission on September 1, 2006, be held confidential.

According to Duke Energy Carolinas, the Company's 2006 Annual Plan contains proprietary and/or commercially sensitive and/or competitively sensitive and or trade secrets information, and the Company requests that such information be held confidential. As to Attachment "C" to the Company's Annual Plan, FERC Form 715, Duke Energy Carolinas opines that such filing is entitled to be treated as confidential

consistent with FERC's determination that Form 715 contains critical energy infrastructure information to be kept confidential and non-public.

Pursuant to the Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials", issued May 6, 2005, Duke Energy Carolinas delineates in its Motion the material for which the Company seeks confidential treatment and files such information in a separate package clearly marked "confidential." Additionally, pursuant to Order No. 2005-226, the Company files a redacted non-confidential version of the material.

A review of the material in question in the Company's 2006 Annual Plan establishes that the material does provide detailed information concerning Duke Energy Carolinas' business and practices which are sensitive. The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation." We find that the information contained in the Company's 2006 Annual Plan for which Duke Energy Carolinas seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

A review of the materials in question in the Company's FERC Form 715 (Attachment "C" to the 2006 Annual Plan) establishes that it is consistent with FERC's determination that the FERC Form 175 contains "critical energy infrastructure information" that should be kept confidential and non-public.

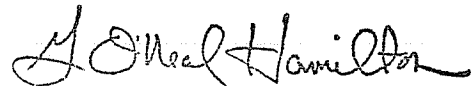
Because the Commission finds that the 2006 Annual Plan of Duke Energy Carolinas contains competitively sensitive information and meets the definition of "trade secrets" as defined under FOIA and finds that FERC Form 715 contains critical infrastructure information of the Company, the Commission grants the Motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion of the Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, the unredacted 2006 Annual Plan and FERC Form 714 of Duke Power Company, LLC d/b/a Duke Energy Carolinas, LLC filed with the Commission shall be declared confidential and shall be afforded confidential treatment.

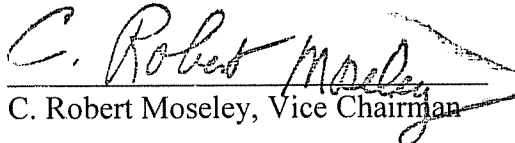
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)